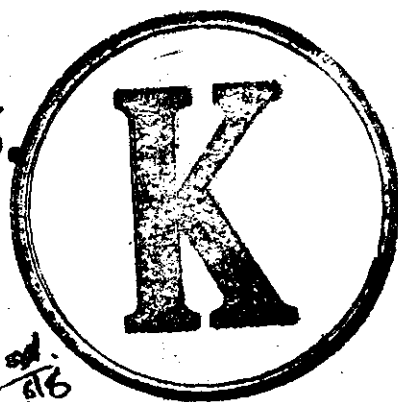


1953.



O / Partnership / 53
File No. 76 | 53

Legal Dept

G. BRANCH

Subject:— *Opinions*

P 3 E

Partnership

O. / Partnership / 53.

File No. 76 | 53

C O N T E N T S .

Legal Department File No. O. Partnership/53(G.Br.)

Sr.No.	R.I./O.No.	Subject	Pages.
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Opinions under the Indian
Partnership Act.

1) O.No.G-412/13-7-53.

Re: Amount due to Govt. from
Kolaba Transport Co.
Recovering it - from the
Partnership of -

1
Legal Department.

In his opinion No.G.37, dated the 24th January 1952, R.L.A. had advised that the amount due from the Kolaba Transport Company till the dissolution of partnership could be claimed from the other partners. On the advice of the Civil Supplies Department, the Collector of Kolaba, consulted the District Government Pleader, Kolaba who suggested that a suit would have to be filed by Government against the partners in the court of the civil Judge, Senior Division, Alibag, for recovering of the amount against the partners. It has now been ascertained that the partnership was not registered under the Indian Partnership Act or as a Company under the Indian Partnership Act or as a Company under the Indian Companies Act. The District Government Pleader was again consulted and he is of the opinion that the suit will not succeed unless Government have material in their possession to prove that the persons sought to be sued as partners were the partners of the Kolaba Transport Company. The Income Tax Officer, A ward, Kolaba refused to furnish the information from his records as he is prohibited from making such a disclosure under section 54 of the Indian Income Tax Act. In the circumstances Legal Department, is requested to advise as to what further steps should be taken in this case.

It seems in his letter dated the 10th December 1951, the District Magistrate, has given 7 names of the partners of the firm. The Civil Supplies Department therefore asked him whether he had any evidence to prove that these 7 persons were partners. The District Magistrate has reported that there is no record with the Mamlatdar of Panvel to prove who

who were the partners but he made enquiries with the Regional Transport Authority, Thana and the letter dated the 10th December 1952 from him is the only evidence. In that letter the Regional Transport Authority has stated that the Kelaba Transport Company of Panvel was possession 15 goods trucks and the said Company was dissolved in March 1949 and the xx trucks were distributed among the partners of the Company who were 8 in number. Some of the names given by him differ from those given by the District Magistrate. The Regional Transport Authority's record might throw some more light on this point. The evidence of the Regional Transport Authority will also be useful for proving who were the partners. The District Magistrate should however consult the District Government Pleader who should be requested to give his opinion after perusing the Regional Transport Authority's record. The District Magistrate may also inform the District Government Pleader as to how he got the names which he has mentioned in his letter dated the 10th December 1951.

C.G.R./31-7 /C 5

Ltr. to C.S.D. no 412 of 13th July 1953.

*SVA
u/g*

*MR.
2/8*